

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD KELLY, )  
Petitioner, )  
 )  
vs. ) Civil Action No. 08-1388  
 )  
WARDEN MELVIN LOCKETT, et al., )  
Respondents. )

O R D E R

AND NOW, this *22nd* day of October, 2008, after the petitioner, Richard Kelly, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 3), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner Richard Kelly (Docket No. 2) is transferred to the United States Court of Appeals for the Third Circuit pursuant to 28 U.S.C. § 1631.

*Donetta W. Ambrose*  
\_\_\_\_\_  
Donetta W. Ambrose  
United States Chief District Judge

cc: RICHARD KELLY  
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SCI Greensburg

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